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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/003,0050 <i>10/003 094</i>
		Filing Date	November 2, 2001
		First Named Inventor	Joern Ostermann
		Art Unit	2655
		Examiner Name	Minerva Rivero
Total Number of Pages in This Submission		Attorney Docket Number	2001-0600

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
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<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	PTO Form 1449 (4 Pages) Seven non-patent references attached
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### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Richard C. Irving, 38,499
Signature	<i>Richard C. Irving</i>
Date	May 9, 2005

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Richard C. Irving
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# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

**Joern Ostermann**

Serial No.: **10/003,094**

Filed: **November 2, 2001**

**FOR: SYSTEM AND METHOD FOR  
SENDING MUTLI-MEDIA MESSAGES  
WITH CUSTOMIZED AUDIO**



: Attorney Ref.: **2001-0600**

: Art Unit: **2655**

: Examiner: **Minerva Rivero**

**The Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

## INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08A. Unless otherwise indicated herein, one copy of each reference that is not a US Patent reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom. In accordance with 37 C.F.R. §1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b).

1. This information disclosure statement is being filed within three months of the filing date of a national application other than a continued prosecution application under §1.53(d); within three months of the date of the entry of the national stage as set forth in §1.491 in an international application; before the mailing of a first Office action on the merits; or before the mailing of a first Office action after the filing of a request for continued examination under §1.114. No certification or fee is required. (37 C.F.R. §1.97(b)). If a first office action was mailed before the filing of this IDS, please debit deposit account 502960 the necessary fees set forth in 37 C.F.R. §1.17(p) to proceed to consider the cited references.

2. This information disclosure statement is being filed more than three months after the filing date of a national application other than a continued prosecution application under §1.53(d); more than three months after the date of the entry of the national stage as set forth in §1.491 in an international application; after the mailing date of a first Office action on the merits, or after the mailing of a first Office action after the filing of a request for continued examination under §1.114, but before the mailing date of any of a Final action under §1.113, a Notice of Allowance under §1.311 or an action that otherwise closes prosecution in the application. (37 C.F.R. §1.97(c)).

a. I hereby certify that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent

office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement. (37 C.F.R. §1.97 (e)(1)).

b. Except for the resubmission of references that were previously submitted with incorrect patent numbers and except for the resubmission of non-patent references that were listed on previous PTO-1449 forms, without the non-patent references themselves being submitted to the Patent Office, I hereby certify that no item of new information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and to my knowledge after making reasonable inquiry, no item of new information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this information disclosure statement. (37 C.F.R. §1.97 (e)(2)).

c. Attached is a credit card payment form and Fee Transmittal for payment of \$180 to cover the fee under 37 C.F.R. §1.17(p) and to ensure consideration of the disclosed information. If necessary to process this IDS, please debit Deposit Account No. 502960 any additional amount in order to ensure consideration of this IDS.

3. This information disclosure statement is being filed after the mailing date of any of a Final action under §1.113, a Notice of Allowance under §1.311, or an action which otherwise closes prosecution, whichever occurs first, but on or before payment of the Issue Fee. (37 C.F.R. §1.97(d)).

a. I hereby certify that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement. (37 C.F.R. §1.97(e)(1)).

b. I hereby certify that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this information disclosure statement. (37 C.F.R. §1.97(e)(2)).

c. Please debit Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the fee under 37 C.F.R. §1.17(p) and ensure consideration of the disclosed information.

Respectfully submitted,

By: Richard C. Irving

Date: May 9, 2005

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## PATENT APPLICATION

PTO/SB/08A MODIFIED

Substitute for form 1449A/PTO			Complete If Known		
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)			Application Number	10/003,094	
			Filing Date	November 2, 2001	
			First Named Inventor	Joern Ostermann	
			Group Art Unit	2655	
			Examiner Name	Minerva Rivero	
Sheet	/	of	4	Attorney Docket Number	2001-0600



U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code <sup>2</sup> (if known)		
		US-6,460,075 B2		Kruger, et al.	10-2002
		US-6,784,901 B1		Harvey et al.	08-2004
		US-6,496,868 B2		Krueger et al.	12-2002
		US-6,680,934 B1		Cain, Bradley	01-2004
		US-6,631,399 B1		Stanczak, et al.	10-2003
		US-6,665,860 B1		DeSantis, et al.	12-2003
		US-6,466,213		Bickmore, et al.	10-2002
		US-6,018,744		Mamiya et al.	01-2000
		US-5,537,662		Sato, et al.	07-1996

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		Office <sup>3</sup>	Number (if known)		
Examiner Signature				Date Considered	

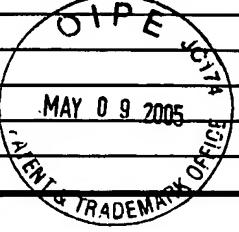
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1	H. NOOT, ZS. M. RUTKAY, "Cartoon 20.0 Manual, January 31. 2000				<input type="checkbox"/>

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Examiner Name	Minerva Rivero				
Sheet	1	of	4	Attorney Docket Number	2001-0600



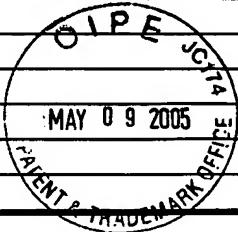
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		Number	Kind Code <sup>2</sup> (if known)		
		US-6,532,011		Francini, et al.	3-2003
		US-6,147,692		Shaw, et al	11-2000
		US-4,276,570		Burson, et al.	06-1981
		US-5,638,502		Murata, Yoshiuki,	06-1997
		US-5,818,461		Rouet et al.	10-1998
		US-6,476,815		Ando, Tsutomu	11-2002
		US-6,381,346		Erasian, Arsev H.	04-2002
		US-5,995,639		Kado, et al.	11-1999
		US-5,689,618		Gasper, et al.	11-1997

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Examiner Signature				Date Considered	

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	2	LIJUN YIN, A. BASU; "MPEG4 face modeling using fiducial points", IEEE; Image Processing, 1997. Proceedings., International Conference on, Volume: 1, 26-29. 1997			<input type="checkbox"/>

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Sheet	3	of	4	Attorney Docket Number	2001-0600



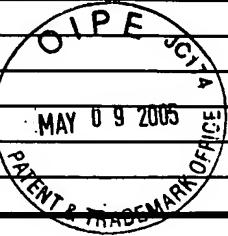
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		Number	Kind Code <sup>2</sup> (if known)			
		US-6,384,829		Prevost, et al.	05-2002	
		US-5,347,306		Nitta, Tohei	09-1994	
		US 5,850,463		Horii, Kazuya	12-1998	
		US-4,602,280		Maloomian, Laurence G.	7-1986	
		US- 6,643,385		Bravomalo, Mario J.	11-2003	
		US-5,113,493		Crosby C. Scott	05-1992	
		US-6,215,505		Minami et al.	04-2001	
		US-6,417,853		Squires, et al.	07-2002	

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Examiner Signature					Date Considered	

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	3	BICKMORE, ET AL., "Animated Autonomous Personal Representatives", ACM, International Conference on Autonomous Agents, Proceedings of the Second International Conference on Autonomous Agents, pgs 8-15, 1998				<input type="checkbox"/>
	4.	THORISSON, KRISTINN R. "ToonFace: A System for Creating and Animating Interactive Cartoon Faces." MIT Media Laboratory Learning and Common Sense Section Technical Report, pp. 96-101, Apr. 1996				

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		Number	Kind Code <sup>2</sup> (if known)		
		2001/0050681 A1		Keys et al.	12-2001
		2002/0109680 A1		Orbanes et al.	08-2002
		2001-0050689 A1		Park	12-2001
		2004/0091154 A1		Cote	05-2004

FOREIGN PATENT DOCUMENTS					
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	5	DAVID KURLANDER, TIM SKELLY, DAVID SALESIN, "Comic Chat", Proceedings of the 23rd Annual Conference on Computer Graphics and Interactive Techniques, August 1996			<input type="checkbox"/>
	6	POLLACK, "Happy in the East or Smiling in the West", New York Times. 12, August 1996.			<input type="checkbox"/>
	7	PELACHAUD, ET AL. "Generating Facial Expressions for Speech", Cognitive Science, Jan. 3, 1996, Vol. 20, no. 1, pp. 1-46.			<input type="checkbox"/>

Examiner Signature		Date Considered	
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